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VIA FEDERAL EXPRESS

Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Avenue, Suite 1420
Los Angeles, California 90017

**Re. EPA CERCLA Section 104(e) Request for Information: Yosemite Creek Superfund Site
(October 15, 2009 – Chevron Entities)**

Dear Mr. Whitenack:

This letter responds to the October 15, 2009 requests for information ("RFI") of the United States Environmental Protection Agency ("EPA") to Chevron Corporation, Chevron U.S.A. Inc., PureGro Company, Unocal Corporation, and Amsco (referred to in various ways in the RFI and referred to collectively in this response as "Chevron" or the "Chevron entities") with regard to the Yosemite Creek Superfund site (the "Site").

Subject to both the general and specific objections noted below, and without waiving these or other available objections or privileges, Chevron submits the following in response to the RFI and in accordance with the January 11, 2010 due date that EPA has established for this response with Mr. Nicholas van Aelstyn.

In response to a request from the California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC"), Chevron and (prior to Unocal's merger with Chevron) Unocal and PureGro reviewed their records, interviewed appropriate individuals, and responded to the DTSC in letters dated June 25, 1992, October 8, 1992, and November 10, 1992, respectively (copies attached). PureGro, Chevron and Unocal all entered into "De Minimis Buy-Out and Indemnity Agreements Between the Bay Area Drum Ad Hoc PRP Group and Certain De Minimis PRPs." As you know from Mr. van Aelstyn's June 30, 2008 letter to Michael Massey of the EPA, the Bay Area Drum *Ad Hoc* PRPs are providing the Chevron entities with a defense to EPA's claims with respect to the Yosemite Creek Site. Many years have passed since the DTSC's investigation. The De Minimis Buy-Out and Indemnity Agreements more than a decade ago ended the Chevron entities' participation in any issues or activities related to the Bay Area Drum site. Therefore, Chevron's ability to provide information in response to the RFI is very limited. It is also noteworthy that the Chevron entities are, at most, very de minimis PRPs and EPA policies and guidelines regarding the same should be considered before requesting that Chevron undertake onerous discovery burdens. Nevertheless, in response to your requests, Chevron has re-

reviewed its files and confirmed that it is not able to locate any responsive information in addition to the DTSC responses that documents that any Chevron entities sent material to the Bay Area Drum site.

GENERAL STATEMENTS AND OBJECTIONS

In responding to the RFI, Chevron has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are potentially relevant to this matter. However, the RFIs addressed to the Chevron entities purport to seek a great deal of information that is not relevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between Chevron entities and the former Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (hereinafter, the "BAD Site"), certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in Section 104(e)(2)(A) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (EPA may request information "relevant to . . . [t]he identification, nature, and quantity of materials which have been . . . transported to a . . . facility").

The RFI also defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and polychlorinated biphenyls ("PCBs")." However, certain RFI requests also seek information regarding hazardous substances more broadly. These requests go beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and are not relevant to the Site pursuant to Section 104(e)(2)(A) of CERCLA.

The DTSC conducted an extensive investigation of the BAD Site and the Chevron entities' operations in connection with it. DTSC's investigation included information requests to the Chevron entities and the DTSC files include their responses to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Thus, the focus of Chevron's identification, review and retrieval of documents has been upon data that has not been previously provided to EPA, DTSC or any other governmental agency that is relevant to the Site. Chevron was unable to locate any such responsive information.

Chevron asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. Chevron asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, confidential business information ("CBI") and trade secret protections, and any other privilege or protection available to it under law.
2. Chevron objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the

public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and any connection of Chevron entity's operations with it. DTSC's investigation included an information request to the Chevron entities and the DTSC files include their responses to DTSC's information requests. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

3. Chevron objects to Instruction 4 to the extent it seeks to require Chevron, if information responsive to the RFI is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." Chevron is aware of no obligation that it has under Section 104(e) of CERCLA to identify all other persons who may have information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.
4. Chevron objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on Chevron to supplement these responses. Chevron will, of course, comply with any lawful future requests that are within EPA's authority.
5. Chevron objects to Instruction 6 in that it purports to require Chevron to seek and collect information and documents in the possession, custody or control of individuals not within the custody or control of Chevron. EPA lacks the authority to require Chevron to seek information not in its possession, custody or control.
6. Chevron objects to the RFI's definition of "document" or "documents" in Definition 3 to the extent that the RFI extends to documents not in Chevron's possession, custody, or control. Chevron disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known [by Chevron] to exist" but not in Chevron's possession, custody, or control.
7. Chevron objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and not readily intelligible as the term is defined as having separate meanings in Definition 4 and Request No. 3.
8. Chevron objects to the definition of "Respondent", "you", "the company", "your" and "your company" in Definition 14 because the terms are overbroad and it is not possible for Chevron to answer questions on behalf of all the persons and entities identified therein.

RESPONSES TO OCTOBER 15, 2009 EPA INFORMATION REQUESTS

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying each of the products manufactured by Chevron is not feasible due to Chevron's long history of a wide variety of world-wide operations.

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*

- a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*
- b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*
- c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, in addition to facilities with a connection to the BAD Site, Request No. 2 purports to also seek information regarding *any* facility located in California (excluding locations where only clerical/office work was performed) and *any* facility located outside of California that shipped drums or other containers to *any* location in California, even to locations other than the BAD Site. We are aware of no information that other facilities have any nexus with the BAD Site, and thus this request seeks information that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Chevron has re-verified that it is not able to locate any requested information in addition to the DTSC responses in addition to the DTSC responses regarding drums or the contents of drums that Chevron entities allegedly sent to the Bay Area Drum site.

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*

- a. *the date such operations commenced and concluded; and*
- b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, Chevron objects to the request in b. that it describe "types of work performed at each location over time" Without any identification by EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at various facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* response to Request No. 2.

4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome to the extent it seeks to require Chevron to describe "types of records." Where documents have been provided in response to this RFI, each and every document regarding SOIs is not also "identified" by describing its contents. Chevron further objects to Request No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* response to Request No. 2.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at Chevron entities' Facilities and the BAD Site, Request No. 5 purports to seek information relating to Chevron entity Facilities that is not relevant to contamination at the Site. *See* response to Request No. 2.

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

See responses to Request Nos. 2 and 5.

7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

RESPONSE:

See responses to Request Nos. 2 and 5.

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

See responses to Request Nos. 2 and 5.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

See responses to Request Nos. 2 and 5.

10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. "Hydraulic fuel or transformer oil" is undefined in the RFI and the term is sufficiently vague and generic that it could define a wide range of materials, thereby making a reasoned response infeasible. By removing any temporal limit and any nexus between hydraulic fuel or transformer oil at the Chevron entities' Facilities and the BAD Site, Request No. 10 purports to seek information relating to the Chevron entities' Facilities that is not relevant to contamination at the Site. See responses to Request Nos. 2 and 5.

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

RESPONSE:

See responses to Request Nos. 2, 5 and 10.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

RESPONSE:

See responses to Request Nos. 2, 5 and 10.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

RESPONSE:

See responses to Request Nos. 2, 5 and 10.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

See responses to Request Nos. 2, 5 and 10.

15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*

- a. *Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*
- b. *Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*
- c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*
- d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 15 purports to seek information relating to the Chevron entities' Facilities that is not relevant to contamination at the Site. *See* responses to Request Nos. 2, 5 and 10.

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*
- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 16 purports to seek information relating to the Chevron entities' Facilities that is not relevant to contamination at the Site. *See* responses to Request Nos. 2, 5, 10 and 15.

17. *For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Chevron further objects to Request No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

Additionally, as stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Chevron has been unable to locate any requested information in addition to the DTSC responses regarding SHCs that Chevron entities allegedly sent to the BAD Site.

18. *For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identity all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Chevron has been unable to locate any requested information in addition to the DTSC responses regarding SHCs that Chevron entities allegedly sent to the BAD Site.

19. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site.

Notwithstanding the foregoing, and without any waiver of its objections, Chevron has been unable to locate any requested information in addition to the DTSC responses regarding SHCs that Chevron entities allegedly sent to the BAD Site.

20. *Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 20 purports to seek information relating to Chevron's Facilities that is not relevant to contamination at the Site. Chevron further objects to Request No. 20 as it purports to seek information regarding procurement of "Materials" at facilities other than the BAD Site and thus goes beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment.

21. *Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:*

- a. *the type of container in which each type of waste was placed/stored;*
- b. *how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. See response to Request No. 2.

22. *Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. *the colors of the containers;*
- c. *any distinctive stripes or other markings on those containers;*
- d. *any labels or writing on those containers (including the content of those labels);*
- e. *whether those containers were new or used; and*
- f. *if those containers were used, a description of the prior use of the container;*

Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. Chevron further objects to Request No. 22 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, Chevron objects to Request No. 22 as it purports to seek information regarding containers used to remove each type of waste containing any SOIs from the

Facilities and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Chevron has been unable to locate any requested information in addition to the DTSC responses regarding any containers that Chevron entities allegedly sent to the BAD Site.

23. *For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. Chevron further objects to Request No. 23 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, Chevron objects to Request No. 23 as it purports to seek information regarding waste generated at any Facilities that contained any SOIs and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. See response to Request No. 22.

24. *Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all individuals who currently have, and those who have had, responsibility for Chevron's environmental matters at all of the Chevron entities' Facilities, including those that have no nexus to the BAD Site, is not feasible. Chevron has a long history of a wide variety of world-wide operations.

25. *Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all drum recyclers or drum reconditioners from which Chevron has ever acquired such drums or containers is not feasible. Chevron has a long history of a wide variety of world-wide operations.

Notwithstanding the foregoing, and without any waiver of its objections, Chevron has re-verified that it is not able to locate any requested information in addition to the DTSC responses regarding drums that Chevron entities allegedly sent to the Bay Area Drum site.

26. *Prior to 1988, did Respondent always keep its waste streams that contained SOLs separate from its other waste streams?*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Chevron further objects to Request No. 26 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Chevron has a long history of a wide variety of world-wide operations.

27. *Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 27 purports to seek information regarding a broad range of removal and remedial actions, corrective actions and cleanups. Moreover, identifying all such removal and remedial actions is not feasible due to Chevron's extensive history and operations throughout the United States. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. Chevron further objects to Request No. 27 to the extent that EPA is already in possession of the requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

28. *Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.;*

Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Chevron further objects that the request assumes facts. DTSC conducted an extensive investigation of the BAD Site and the Chevron entities' operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. Chevron understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, Chevron has re-verified that it is not able to locate any requested information in addition to the DTSC responses regarding drums that Chevron entities allegedly sent to the Bay Area Drum site.

29. *Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used, or stored at the Facilities.*

RESPONSE:

In addition to the General Objections set forth above, Chevron objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In responding to the RFI, Chevron has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. Moreover, Chevron understands that EPA is already in possession of DTSC's files regarding the BAD Site. Chevron is under no further obligation to nor could it identify time periods to which these documents do not pertain.

30. *Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.*

RESPONSE:

Chevron incorporates its objections to Request Nos. 1 through 29. Chevron further objects to Request No. 30 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Chevron further objects to Request No. 30 as it purports to seek copies of documents containing information responsive to the previous twenty-nine questions. DTSC conducted an extensive investigation of the BAD Site and any Chevron entities' operations in connection with it. DTSC's investigation included information requests to the Chevron entities and the DTSC files include Chevron entities' responses to DTSC's information requests, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Craig Whitenack, Civil Investigator

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Please contact us to assist you further, but as noted throughout, Chevron has not been able to locate any information related to the BAD site. Any questions EPA may have regarding the responses to the RFI may be directed to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'TK' followed by a stylized flourish.

Timothy R. Knutson

Enclosures